

**REMARKS**

**I. Status of Claims**

With entry of this amendment, claims 13-15, 20-26, and 30-37 are pending. Claims 34-37 have been amended herein to be in independent form. Those amendments are supported in the original application, as filed, and do not add new matter.

**II. Claim Rejections Under 35 U.S.C. § 112**

Claims 13-15, 20-26, and 30-33 are rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the written description requirement. Specifically, the Office objects to a limitation in claims 20 and 26 that recites  $R_1$  and  $R_2$  both be chosen from alcohol radicals  $R_5$ , wherein  $R_1$  and  $R_2$  are different. Applicants respectfully disagree and traverse the rejection.

The use of different alcohols to provide differing esters is clearly contemplated by the specification. For example, the last paragraph of page 4 of the specification, states that  $R_1$  and  $R_2$  are independently selected. Furthermore, the specification states:

In another embodiment, both residues  $R_1$  and  $R_2$  may represent an alkoxy residue --OR<sub>5</sub> which, even more preferably, is identical.

Page 4 of the specification. By stating that such an embodiment (i.e., where identical alkoxy residues are used) is preferred, the specification also at least suggests an embodiment, albeit arguably less preferable, wherein different alkoxy residues are used. However, that is not the end of the specification's teaching regarding the alkoxy residues.

Rather, the specification further indicates that "carbocyclic oligomers, derived from dimethyl fumarate, diethyl fumarate, **methyl ethyl fumarate**, methyl hydrogen

fumarate and ethyl hydrogen fumarate are especially preferred." Emphasis added.  
Page 4 of the specification. As the Office will readily appreciate, methyl ethyl fumarate is a compound wherein R<sub>1</sub> is methoxy and R<sub>2</sub> is ethoxy. Thus, the specification provides yet further support for the limitation that different alkoxy groups can be used and in this instance to provide an "especially preferred" compound.

Applicants respectfully maintain that the limitation is clearly supported by the specification. Applicants request that the rejection be withdrawn.

### III. Conclusion


In view of the foregoing remarks, Applicants therefore request the entry of this Amendment, the Examiner's reconsideration and reexamination of the application, and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

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Dated: October 14, 2008

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